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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/418,505	10/15/1999	BRUCE G. KANIA	3295-0027-0C	8984

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12/18/2002

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EXAMINER

PREBILIC, PAUL B

ART UNIT

PAPER NUMBER

3738

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/418,505

Applicant(s)

KANIA ET AL.

Examiner

Paul B. Prebilio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 17, 23-25, 27, 30, 31 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 17 is/are allowed.
- 6) ☒ Claim(s) 23-25, 27, 30, 31 and 33-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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Inventorship

In view of the papers filed September 12, 2002, the inventorship in this nonprovisional application has been changed by the deletion of Robert E. Arbogast, James W. Capper, James M. Colvin, Jeffery L. Doddroe, and Christopher T. Kelley.

In the future, Applicant is respectfully requested to place inventorship correction petitions on a separate paper from that of the amendment. This will allow the USPTO to make a separate paper number for such a filing and to make the USPTO more explicitly aware of the change requested.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim language is confusing in that it appears that the bosses or annular rings are part of the inside polymeric material instead of on the outside of the device as disclosed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23-25, 30, 31, and 33-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Lerman (US 4,635,626) where the high wear fabric as claimed is met by the fabrics of Lerman because "high wear" is a term of relative degree. The polymer coating as claimed is met by the inner layer (34) of Lerman and the outer of fabric layer as claimed is met by the protective outer layer (38) of Lerman; see the whole document, especially Figures 4 to 6 and columns 3 and 4. The coating as claimed is met at least by the adhesive layer which bonds the fabric to the inner layer (34), but the inner layer qualifies as a coating in a broad sense.

With regard to claims 23 and 37, Tricot is a type of fiber-on-end to the extent that this language can be given patentable weight, and thus, the claim language is fully met.

With regard to claims 24 and 25, Lerman meets the mean plus function language for a docking means because of the pylon attachment to the covering as disclosed.

With regard to claim 25, the external device is not positively required by the claims and is only inferentially set forth. Since the casting tape of Lerman is capable of attaching a pad to the covering, the claim language is fully met in this regard.

With regard to claim 30, Tricot is a loop material that can adhere to hooks of fastening device, and thus, the claim language is fully met in this regard.

With regard to claim 35, the casting tape of Lerman is considered to be a type of strap as claimed.

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Claims 24, 25, 27, 31, 34, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Handal (US 5,263,990) where the coating as claimed is the liner (22) of Handal and the bosses as claimed are at the end of socket member (16); see the whole document, especially Figure 2 and columns 3 and 4.

Allowable Subject Matter

Claims 16 and 17 are allowed over the prior art of record.

Response to Arguments

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection. In particular, the Lerman rejection as been repeated for some of the claims, but the explanation used therein answers Applicant's arguments thereagainst. For this reason, there was no need to repeat the rationale under this heading.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morgan is cited to show that the term "fiber-on-end" was known; see column 3, lines 1-3.

Applicant should specifically point out the support for any amendments made to the disclosure, including the claims (MPEP 714.02 and 2163.06). Due to the procedure outlined in MPEP 2163.06 for interpreting claims, it is noted that other art may be applicable under 35 USC 102 of 35 USC 103(a) once the aforementioned issue(s) is/are addressed.

Applicant is respectfully requested to provide a list of all copending applications that set forth similar subject matter to the present claims. A copy of such copending claims is respectfully requested in response to this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Prebilic whose telephone number is (703) 308-

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2905. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott, can be reached on (703) 308-2111. The fax phone number for this Technology Center is (703) 872-9301.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 3700 receptionist whose telephone number is (703) 308-0858.



Paul Prebilic
Primary Examiner
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